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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,266	11/29/2000	Shinichi Naohara	Q62049	8853

7590 05/05/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER

KAPADIA, VARSHA A

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 05/05/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,266

Applicant(s)

NAOHARA ET AL.

Examiner

Varsha A Kapadia

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 4 and 6 is/are allowed.
- 6) ☐ Claim(s) 1-3, 5, 7-16, 18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This office action is responsive to the amendment filed on February 12, 2004.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 7-10, 12-14, 16, 18, 20-23, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata (JP 09134586) in view of Kihara (5,768,236).

With regards to claims 1 and 14, Katsumata discloses a recording/reproducing apparatus comprising storage/memory means (HD) on which the information is written in a prescribed number of groups, means for reading the information on the recording medium (disk), and control means (CPU 11) for controlling the write in the storage means of at least a prescribed time of information corresponding to a beginning address of each of the groups. See the solution.

Katsumata in the (English abstract) fails to specify that the information in the storage means is read to a buffer memory at a speed which is higher than or equal to a speed at which the information in the buffer memory is reproduced.

However, it is well known by one of ordinary skill in the art that if the information reproduced from the buffer at a higher speed than the information read from the medium into the buffer memory, the buffer memory would become empty and the gap in reproduction would occur. Kihara for example, teaches that the information read to the buffer memory at a speed which is higher than a speed at which the information in the buffer memory is reproduced (see col.3 lines 6-18 and abstract).

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Therefore it would have been obvious to one of ordinary skill in the art to modify the teaching of Katsumata with the above teaching from Kihara in order to provide a capability of reading the information to the buffer memory at a speed which is higher than a speed at which the information in the buffer memory is reproduced to prevent the gap in reproducing information.

With regards to claims 3, 5, 7-10 and 12-13, Katsumata teaches the limitations recited in claims 3, 5, 7-10 and 12-13 as discussed in the office action mailed on September 15, 2003. Katsumata is therefore relied upon for the same reasons.

With regards to claims 16, 18, 20-23, 25-26, limitations recited in claims 16, 18, 20-23, 25-26 are also recited in claims 3, 5, 7-10 and 12-13, respectively and are taught by Katsumata as discussed previously with respect to claims 3, 5, 7-10 and 12-13. Therefore limitations recited in claims 16, 18, 20-23, 25-26 are considered met by Katsumata.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata in view of Kihara as applied to claims 1, 3, 5, 7-10, 12-14, 16, 18, 20-23, 25-26 above, and further in view of Kumagai (6,449,226).

With regards to claims 2 and 15, Katsumata in view of Kihara discloses the invention as described above in this office action. However, Katsumata in view of Kihara fails to teach reading the information on the recording medium at a speed of N-times as high as the normal speed.

Kumagai teaches a recording/reproducing apparatus reading the information on the recording medium at a speed of N-times as high as the normal speed. See col.5 lines 48-59.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify teachings of Katsumata and Kihara to include the teachings of Kumagai, motivation being to help provide the data continuously.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata in view of Kihara as applied to claims 1, 3, 5, 7-10, 12-14, 16, 18, 20-23, 25-26 above, and further in view of Ohtomo (5,661,706).

With regards to claims 11 and 24, Katsumata in view of Kihara discloses the invention as described above in this office action. However, Katsumata in view of Kihara fails to teach the control means cross fades each of the group with a subsequent group as claimed.

Ohtomo teaches the control means cross fades each of the groups with a subsequent group, such that information is continuously reproduced. See col.13 line 11-col.14 lines 32.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Katsumata and Kihara to include the teachings of Ohtomo, motivation being to provide real time editing and processing.

#### **Allowable Subject Matter**

Claims 4 and 6 allowed.

Claims 4 and 6 are now allowable over the prior art of record as applicant presented the limitation that was indicated as being allowable over the prior art of record in the office action mailed on September 15, 2003, in an independent form.

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response to Remarks**

Applicant's arguments with respect to claims 1-3, 5, 7-16, 18 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon-Wed from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



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